

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Virginia Ann James,

Plaintiff,

v.

BI-LO, LLC,

Defendant.

C. A. No. \_\_\_\_\_

**NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA, SPARTANBURG DIVISION

Defendant BI-LO, LLC respectfully gives Notice of Removal of this action in accordance with 28 U.S.C. § 1441, *et seq.* As grounds for this removal, Defendant will show as follows:

1. A civil action was filed on April 21, 2021 and is now pending in the Court of Common Pleas of Spartanburg County captioned “*Virginia Ann James v. BI-LO, LLC*,” C.A. No. 2021-CP-42-01242.

2. The United States District Court for the District of South Carolina, Spartanburg Division, has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 because the amount in controversy in the action exceeds \$75,000 and the parties are citizens of different states. Plaintiff is a citizen of the state of South Carolina. Defendant BI-LO, LLC is a limited liability company organized and existing under the law of the state of Delaware with its principal place of business in Florida.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders received by the removing defendant are attached hereto as **Exhibit A**.

4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas for Spartanburg County and being served on Plaintiff's counsel of record.

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), having been filed within thirty (30) days after receipt by the last served defendant of a copy of the initial pleadings setting forth Plaintiff's claims for relief.

6. Venue is proper in this Court. This Court is in the judicial district and division embracing the place where the state court case brought and is pending, thus it is the proper district court to which this case should be removed.

7. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted. Defendant specifically reserves the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the *Federal Rules of Civil Procedure* or any other affirmative defenses, including those enumerated in Rule 8(c) of the *Federal Rules of Civil Procedure*, upon the filing of its responsive pleadings within the time allotted under the Rules.

WHEREFORE Defendant BI-LO, LLC respectfully requests that this case be removed, that the Court accept jurisdiction over the action, and that this action be entered into the docket of this Court for further proceedings as if the action had originally been instituted in this court.

**WE SO MOVE:**

/s/Eric R. Tonnsen

Eric R. Tonnsen, Federal Bar #09898  
J. Brendan Kelley, Federal Bar #12762  
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Attorneys for Defendant

June 1, 2021

Greenville, South Carolina